

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELI SAMUEL MADERA,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.  
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15cv3127

ORDER

WILLIAM H. PAULEY III, District Judge:

Plaintiff Eli Samuel Madera seeks review of the decision of Administrative Law Judge (“ALJ”) Seth I. Grossman denying supplemental security income benefits and disability insurance benefits. The ALJ concluded that Plaintiff is not disabled under sections 216(i) and 223(d) of the Social Security Act. In November 2015, the Commissioner moved for judgment on the pleadings to affirm the ALJ’s decision.

In a Report and Recommendation (the “Report”) dated May 9, 2016, Magistrate Judge James C. Francis IV recommended that this Court deny the Commissioner’s motion and remand the case for further proceedings pursuant to 42 U.S.C. § 405(g). Neither party objected to the Report.<sup>1</sup>

This Court has reviewed Magistrate Judge Francis’s thorough and well-reasoned Report, finds that it is not facially erroneous, and affirms and adopts it. Accordingly, the

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<sup>1</sup> On June 30, 2016, Plaintiff submitted a letter—after the 14-day deadline for objections—explaining that he did not understand the Report but that he opposes remand. (ECF No. 21.) This Court notes that the Report is largely in Plaintiff’s favor and that Plaintiff’s letter attempts to snatch defeat from the jaws of victory. Accordingly, this Court declines to treat Plaintiff’s dilatory letter as an objection.

Commissioner's motion is denied, and this case is remanded for further development of the record.

The Clerk of the Court is directed to terminate any pending motions and mark this case closed.

Dated: July 29, 2016  
New York, New York

SO ORDERED:

  
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WILLIAM H. PAULEY III  
U.S.D.J.